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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7925/2018, CM APPL. 30381/2018, CM APPL. 39138/2018,
CM APPL. 43154/2018, CM APPL. 44767/2018, CM APPL.
66786/2025 & CM APPL. 66787/2025

VINOD KUMAR & ORS

.....Petitioners

Through: Mr. Mohit Chaudhary, Mr. Kunal
Sachdeva, Ms. Katyayani Vajpayee
and Mr. Lakshay Yadav, Advs.

versus

PUNJAB NATIONAL BANK

.....Respondent

Through: Mr. Rajesh Kumar Gautam, Ms.
Likivi K Jakhalu, Mr. Deepanjal
Choudhary and Mr. Aman Gahlot,
Advs.

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+ W.P.(C) 9050/2018, CM APPL. 34802/2018, CM APPL. 39136/2018,
CM APPL. 66796/2025 & CM APPL. 66797/2025

DEVENDER KUMAR AND ORS.

.....Petitioners

Through: Mr. Mohit Chaudhary, Mr. Kunal
Sachdeva, Ms. Katyayani Vajpayee
and Mr. Lakshay Yadav, Advs.

versus

PUNJAB NATIONAL BANK AND ANR.

.....Respondents

Through: Mr. Rajesh Kumar Gautam, Ms.
Likivi K Jakhalu, Mr. Deepanjal
Choudhary and Mr. Aman Gahlot,
Advs for R-1

Mr. Rajat Arora, Adv for R-2

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

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12.11.2025

1. These two petitions are being disposed of and the facts involved are similar. For convenience, the facts are being taken from W.P.(C) 7925/2018.



2. This petition is filed challenging Human Resource Management Division (HRMD) circular no. 413/2018 dated 22.06.2018. Quashing is sought of the list prepared by the Punjab National Bank (*hereinafter referred to as bank*) of the employees to whom the circular shall apply.

3. The brief facts are that the petitioners are ex-servicemen and had utilised army staff quota for getting job with the respondent bank. On 25.05.2015, a memorandum of settlement was entered between the management of forty three banks including the respondent bank and the Indian Banks Association. The scales of pay with regard to stagnation increments, House rent allowance, special allowance etc. were revised as per Section 2 (p) and Section 18 (1) of the Industrial Dispute Act, 1947. On 22.06.2018, the impugned circular was issued by HRMD. The circular dealt with pay scales of the ex-servicemen who opted for re-employment in public sector banks after 01.01.2026. The respondent bank on 19.07.2018 circulated a list of employees covered by the circular. Hence the present petition was filed.

4. The circular was challenged before Kerala High Court and was subject matter before the Supreme Court in case titled as ***Mukund K. Pai & Ors Vs. Punjab National Bank & Ors. 2025 INSC 1033*** where following three questions were dealt with:

(i) *Whether in the facts of the present case, IBA Clarification and HRMD Circular can override the 2014 guide lines for the purpose of pay fixation of ex-servicemen during re-employment of ex-servicemen?*

(ii) *Whether re-fixation as done by the respondent-Bank pursuant to the IBA*



Clarification is in consonance with the guidelines dated 17.02.2014 and whether the High Court was justified in confirming such re-fixation by impugned judgment?

(iii) If not, in what manner can the fixation of pay of ex-servicemen may be made on their reemployment? And what reliefs can be granted to the appellants?

5. The questions were answered in favour of the employees. The operational part of the order is reproduced below:

24) After going through the facts of this case, it is not in dispute that the order of re-fixation has been passed without affording an opportunity to the appellants. Observance of the principles of natural justice in cases of re-fixation of pay leading to financial loss is sine qua non. Considering the aforesaid, we have no hesitation to hold that the Bank while re-fixing the pay had violated the principles of natural justice and reduced the pay of appellants without hearing them.

25) In view of the discussion made above, we answer question no. 1 that the IBA clarification and HRMD circular are not in consonance with the 2014 guidelines for pay fixation of ex-servicemen and for purpose of fixation of pay, the 2014 guide lines. shall prevail over the IBA clarification and HRMD circular. Similarly, question no. 2 is answered that the re-fixation applying IBA clarification and HRMD circular by ignoring the 2014 guidelines is not justified. We have already held that that by virtue of passing order of re-fixation, the appellants have suffered civil consequences, therefore, without affording an opportunity, re-fixation so done, was in violation of principle of natural



justice hence, it is set-aside. In view of the above, question no. 3 is also answered.

26) As per the discussion made, we further make it clear that the relief prayed by the appellants in the writ petition in clauses (a) to (c) deserves to be allowed in their favour. Simultaneously, in view of the reliefs prayed in clauses (d) and (e), we direct the Bank to apply the 2014 guidelines and re-fix the pay of the appellants on the principles broadly culled out and discussed hereinabove. We further direct that the recovery and refund, if any, shall stand quashed and the refund which has been made during the pendency of the writ petition/writ appeal, stands quashed. In view of the present appeal also of the above discussion re-fixation be made afresh. While fixing the pay, in case, the pay of the appellants is reduced from initial fixation, the bank shall observe the principle of natural justice.

6. Learned counsel for the respondents fairly submits that the prayers sought in this petition are squarely covered by the decision of the Supreme Court.

7. In view of above, these writ petitions are allowed in terms of the decision of the Supreme Court in ***Mukund K. Pai & Ors*** (supra).

AVNEESH JHINGAN, J

NOVEMBER 12, 2025/Pa